

EXHIBIT 3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ISAAC RICHEY,

Plaintiff,

**DEFENDANTS' INITIAL
DISCLOSURES
PURSUANT TO
FED. R. CIV. P. 26**

-against-

1:23CV344

ANN MARIE T. SULLIVAN, M.D., in her Individual and Official Capacity, NEW YORK STATE OFFICE OF MENTAL HEALTH, NEW YORK STATE OFFICE OF NICS APPEALS AND SAFE ACT, DOES 1-10 in their individual capacities,

(AMN/DJS)

Defendants.

Defendants Ann Marie T. Sullivan, MD, in her individual and official capacity; New York State Office of Mental Health (“OMH”); and New York State Office of NICS Appeals and Safe Act (“NICS Office”) (collectively, “Defendants”), by their attorney, Letitia James, Attorney General of the State of New York (Shannan C. Krasnokutski, Assistant Attorney General, of counsel), provide the following initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure.

1. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), it is anticipated that the following witnesses may have discoverable information relating to the claims and allegations in the Complaint. All witnesses employed by OMH, or formerly employed by OMH, may be contacted through counsel.

- a. Adams, Kathrine E., D.O.
- b. Adams, Richard R., LCSW
- c. Barber, Carmen J., Esq., Office of Mental Health
- d. Beckman, Sean, CPT
- e. Calhoun, Ryan Shawn, Psy.D.

- f. Carroll, Jennifer Leigh, PA
- g. Corwin, Isaac
- h. Cuff, Peter L., D.O.
- i. Dailey, Ms., LCSW
- j. Dindl, Ms., SSA
- k. Drago, Levi, QMHP
- l. Dyer, Kathy L., R.N.
- m. Fowler, Kelly
- n. Fuentes, Ms., SUDCC counselor
- o. Fussalva, Ms., LCSW
- p. Heap, Susan M, Nurse Case Manager
- q. Henderson, David
- r. Johnson, Eva A., RN
- s. Judy, Catarina Elise
- t. Kaneria, Sumanlal Jeramdas, Dr.
- u. Keller, Dr., Ph.D.
- v. Lee, Li-Wen, Dr., Office of Mental Health
- w. Massey, Ms., NCC
- x. McClellan, Denise L, NP
- y. Mersereau, Dillon
- z. Morales Vazquez, Lourdes
- aa. Moran, Mr., SSA
- bb. Morton, Emily
- cc. Murphy, CPT LCSW
- dd. Ounis, Yacine, Office of Mental Health
- ee. Petrie, Ms., LCSW
- ff. Qureshi, Nazeel, MD
- gg. Reisinger, John, Office of Mental Health
- hh. Richards, Tasha, PA
- ii. Richey, Isaac
- jj. Rogers, Robert, Ph.D.
- kk. Schiff, Craig, D.O.
- ll. Slye, CPT
- mm. Sullivan, Ann Marie T., M.D., Office of Mental Health
- nn. Talfa, James, 1SG
- oo. Taylor, Janiya
- pp. Vaas, Charles, Office of Mental Health
- qq. Vasquez, Ms., Psych. Tech. IOP
- rr. Velarde, Jose, Dr.
- ss. Wetzel, Sarah, QMHP
- tt. White, Marshall
- uu. Williams, Phillip D., MD

Defendants further identify all individuals identified within the documents disclosed by all

Defendants and the Plaintiff in this matter. It is anticipated that the above-listed witnesses may have knowledge of topics relevant to this action, including but not limited to:

(a) Non-OMH witnesses: Defendants anticipate that the non-OMH witnesses listed above may have information pertinent to Plaintiff's character, background, medical and psychological history relevant to his application for relief for a certificate of relief from disabilities ("Application"), which Plaintiff alleges was denied in 2022. Specifically, witnesses Henderson, Morton, White, Mersereau, Taylor, and Corwin provided letters in connection with that Application stating that they were familiar with Plaintiff's background and character. Each of the medical provider witnesses listed above, upon information and belief, has been involved at some point in Plaintiff's mental health treatment and has knowledge of Plaintiff's present and past diagnoses, care, and treatment.

(b) OMH witnesses: The OMH witnesses listed above may have information pertinent to (a) OMH's policies and procedures for receiving, reviewing, evaluating and determining applications for certificates of relief from disabilities; (b) policies and procedures for retention and maintenance of NICS records, as well as NICS reporting procedures; (c) training provided to officers and employees assigned to any of the preceding areas; and/or (d) Plaintiff's claims, and/or Defendants' defenses, in this matter.

2. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), Defendants currently have possession, custody, and/or control of the following categories of documents, which they believe may be relevant to the claims alleged in the Complaint and/or the defenses asserted in the Answer:

(a) Copies of documents submitted by Plaintiff in connection with the Application, including supporting reference letters and medical documentation;

- (b) Samaritan Hospital medical records of Plaintiff, obtained directly from the provider in connection with Plaintiff's Application pursuant to Mental Hygiene Law 31.11(5);
- (c) Internal notes, memoranda and/or deliberative materials (privileged and/or unprivileged) pertaining to Plaintiff's Application;
- (d) Email correspondence with Plaintiff pertaining to decision process on the Application;
- (e) Decision on Application dated July 28, 2022.

Defendants anticipate producing copies of relevant, non-privileged documents pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii) in the near future.

3. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii), Defendants do not claim any damages.
4. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), no known applicable insurance agreement exists.

Dated: Albany, New York
July 6, 2023

LETITIA JAMES
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Attorney for Defendants
Office of the Attorney General
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Albany, New York 12224

s/ Shannan C. Krasnokutski

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